

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., et al.

Consolidated with

JOHN NICHOLAS, et al.

Plaintiffs,

v.

CITY OF HOUSTON, et al.

Defendants.

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CASE NO. 4:21-CV-00270

**DEFENDANT FELIPE GALLEGOS'S NOTICE OF JOINDER OF DEFENDANT CITY  
OF HOUSTON'S MOTION TO CONTINUE THE TRIAL DATE [Dkt. 329]**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Felipe Gallegos files this Notice of Joinder of Defendant City of Houston's Motion to Continue the Trial Date [Dkt. 329] to inform the Court that he joins in the City's motion for continuance of the current trial setting pending a ruling on the pending motions for summary judgment.

Pursuant to Texas Rule of Civil Procedure 10(c), Mr. Gallegos hereby adopts by reference the arguments in the City's motion for continuance [Dkt. 329]. In addition, Mr. Gallegos would respectfully add that he has raised the defense of qualified immunity, and under Fifth Circuit precedent, "[q]ualified immunity questions should be resolved 'at the earliest possible stage in litigation'" – in this case, under the pending summary judgment motions. *See, e.g. Porter v. Epps*, 659 F.3d 440, 445 (5th Cir. 2011); *see also Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985)

*[signatures on following page . . . ]*

Respectfully submitted,

/s/ Russell Hardin, Jr.

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***ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2024, a true and correct copy of the foregoing and attached documents were delivered to all parties through their counsel(s) of record, in accordance with the Rules, via email and/or certified mail, return receipt requested, to the following:

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